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9 *Attorney for Defendant,*
10 *ALLSTATE FIRE AND*
11 *CASUALTY INSURANCE COMPANY*

12 **UNITED STATES DISTRICT COURT**

13 **DISTRICT OF NEVADA**

14 BRENDAN THOMPSON,

15 Plaintiff,

16 vs.

17 ALLSTATE INSURANCE COMPANY,

18 Defendant.

19 CASE NO.: 2:17-cv-00181-JCM-VCF

20 **STIPULATION TO CONTINUE
DISCOVERY DEADLINES AND/OR TO
STAY LITIGATION PENDING
MEDIATION BY THE PARTIES
(FIFTH REQUEST TO EXTEND
DISCOVERY)**

21 Pursuant to L.R. II 6-1 and 7.2, the parties, through their respective undersigned counsel,
22 jointly submit this Stipulation to Extend Time to Complete Discovery. This is the second request
23 made by the parties.

24 **I.**

25 **DISCOVERY COMPLETED TO DATE:**

26 **Plaintiff Brenda Thompson served Defendant Allstate Insurance Company with the
27 following discovery to date:**

28 1. Plaintiff's Initial Disclosures Pursuant to FRCP 26(a)(1) served on March 14,
29 2017;
30 2. Plaintiff's First Set of Requests for Production of Documents served on April 20,
31 2017;
32 3. Plaintiff's Supplemental Disclosure Pursuant to FRCP 26(a)(1) served on May 16,
33 2017;

1 4. Plaintiff's Responses to Defendant Allstate Fire and Casualty Insurance
2 Company's First Set of Requests for Admission served on July 5, 2017;

3 5. Plaintiff's Responses to Defendant Allstate Fire and Casualty Insurance
4 Company's First Request for Production of Documents served on July 5, 2017;

5 6. Plaintiff's Answers to Defendant Allstate Fire and Casualty Insurance Company's
6 First Set of Interrogatories served on July 12, 2017;

7 7. Plaintiff's First Set of Requests for Production of Documents to Allstate
8 Insurance Company served on August 10, 2017;

9 8. Plaintiff's Second Supplement to the Early Case Conference Disclosure of
10 Documents and Witnesses Pursuant to FRCP 26(a)(1) served on September 11, 2017;

11 9. Plaintiff's Responses to Defendant Allstate Fire and Casualty Insurance
12 Company's Second Set of Request for Production of Documents served on September 13, 2017;

13 10. Plaintiff's Expert Disclosure FRCP 26(a)(2) served on October 20, 2017;

14 11. Plaintiff's Third Supplement to the Early Case Conference Disclosure of
15 Documents and Witnesses Pursuant to FRCP 26(a)(1) served on December 14, 2017;

16 12. Plaintiff's Fourth Supplement to the Early Case Conference Disclosure of
17 Documents and Witnesses Pursuant to FRCP 26(a)(1) served on June 18, 2018;

18 13. Plaintiff's First set of Interrogatories to Defendant Allstate Insurance Company
19 served on June 21, 2018;

20 14. Plaintiff's Third Set of Requests for Production of Documents to Defendant
21 Allstate Insurance Company served on June 21, 2018. To date, no response;

22 15. Plaintiff's Fourth Set of Requests for Production of Documents to Defendant
23 Allstate Insurance Company served on June 22, 2018. To date, no response.; and

24 16. Plaintiff's Fifth Supplement to the Early Case Conference Disclosure of
25 Documents and Witnesses Pursuant to FRCP 26(a)(1) served on June 28, 2018.

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1 **Defendant Allstate Insurance Company served Plaintiff Brenda Thompson with the**
2 **following discovery to date:**

3 1. Defendant's Initial List of Witnesses and Disclosure of Documents Pursuant to
4 FRCP 26(F) served on March 16, 2017;

5 2. Defendant's First Supplemental to its Initial List of Witnesses and Disclosure of
6 Documents Pursuant to FRCP 26(F) served on March 27, 2017;

7 3. Defendant Allstate Fire and Casualty Insurance Company's First set of Request
8 for Admissions to Plaintiff served on March 29, 2017;

9 4. Defendant Allstate Fire and Casualty Insurance Company's First Set of
10 Interrogatories to Plaintiff served on March 29, 2017;

11 5. Defendant Allstate Fire and Casualty Insurance Company's First Set of Request
12 for Production of Documents to Plaintiff served on March 29, 2017;

13 6. Defendant's Responses to Plaintiff's First Set of Requests for Production of
14 Documents served on May 23, 2017;

15 7. Defendant Allstate Fire and Casualty Insurance Company's Second Set of
16 Request for Production of Documents to Plaintiff served on July 10, 2017;

17 8. Defendant's Second Supplemental to its Initial List of Witnesses and Disclosure
18 of Documents Pursuant to FRCP 26(F) served on August 1, 2017;

19 9. Defendant's Responses to Plaintiff's Second Set of Requests for Production of
20 Documents served on October 2, 2017;

21 10. Defendant's Third Supplemental to its Initial List of Witnesses and Disclosure of
22 Documents Pursuant to FRCP 26(F) served on November 30, 2017;

23 11. Defendant's Fourth Supplemental to its Initial List of Witnesses and Disclosure of
24 Documents Pursuant to FRCP 26(F) served on March 5, 2018;

25 12. Defendant Allstate Fire and Casualty Insurance Company's Privilege Log served
26 on March 5, 2018;

27 13. Defendant's Second Supplemental Responses to Plaintiff's Second Set of
28 Requests for Production of Documents served on March 5, 2018;

14. Defendant Allstate Fire and Casualty Insurance Company's Privilege Log served on April 18, 2018;

15. Defendant's Errata to its Second (SIC) Supplemental Responses to Plaintiff's Second Set of Requests for Production of Documents served on June 20, 2018; and

16. Defendant's Errata to its Third Supplemental to its Initial List of Witnesses and Disclosure of Documents Pursuant to FRCP 26(F) served on June 20, 2018.

17. Defendant's Responses to Plaintiff's Fourth Set of Requests for Production of Documents, served on August 10, 2018

18. Defendant's Updated Supplemental Privilege Log, served on August 28, 2018;

19. Defendant's Answers to Plaintiff's First Set of Interrogatories, served on September 24, 2018;

20. Defendant's Fifth Supplemental Responses (Previously Referred to as

“Defendant’s Second [sic] Supplemental Responses”) to Plaintiff’s First Set of Requests for Production of Documents dated August 10, 2017, served on August 28, 2018

21. Defendant's Responses to Plaintiff's Third Set of Requests for Production of Documents, served on September 24, 2018;

22. Defendant's Responses to Plaintiff's Fifth Set of Requests for Production of Documents, served on October 1, 2018;

23. Defendant's Errata to its Responses to Plaintiff's First Set of Requests for Production of Documents, dated May 23, 2017, served on October 30, 2018

II.

DEPOSITIONS TAKEN TO DATE

1. Deposition of Plaintiff Brenda Thompson, November 29, 2017;
2. Deposition of Kristen Guzman, August 7, 2018, Phoenix, Arizona;
3. Deposition of Tammy Correa, August 16, 2018;
4. Deposition of M'Kaylah Fulton, September 18, 2018, Dallas, Texas;
5. Deposition of FRCP Rule 30(b)(6) witness for Marjorie Belsky, M.D. Inc., d/b/a Integrated Pain Specialists, September 20, 2018, Park City, Utah; INCOMPLETE

1 6. Deposition of Tara Edmonds, October 18, 2018, Northbrook, Illinois;
2 7. Deposition of Custodian of Records, Dr. Yvonne Barry, September 13, 2018

3 **III.**

4 **PROPOSED DISCOVERY THAT REMAINS TO BE COMPLETED**

5 **BY PLAINTIFF**

6 1. Satura Brown, previously set November 5, 2018, Birmingham, Alabama—Cancelled
7 due to medical treatment for Defense counsel.
8 2. Brenda Michelle Collier, previously set November 6, 2018, Birmingham, Alabama--
9 Cancelled due to medical treatment for Defense counsel.
10 3. Steve Plitt, Defendant's insurance expert, not set, tentative deposition date discussed
11 for December 5, 2018, Phoenix, Arizona
12 4. Rule 30(b)(6) Witness-Allstate, not set, Las Vegas

13 **BY DEFENDANT**

14 1. Terrence M. Clauretie, Plaintiff's household services expert, deposition noticed by
15 Defendant for November 14, 2018, Las Vegas—Cancelled due to agreement to
16 mediate case.
17 2. Dr. David Oliveri, Plaintiff's medical expert, deposition noticed by Defendant for
18 November 26, 2018, Las Vegas—Cancelled due to agreement to mediate case.
19 3. Joanna Moore, Plaintiff's insurance expert, deposition noticed by Defendant for
20 November 8, 2018, California—Cancelled due to agreement to mediate case.
21 4. Dr. John Glasgow, Plaintiff's medical treating expert, deposition noticed by
22 Defendant for November 7, 2018, Las Vegas—Cancelled due to agreement to
23 mediate case.
24 5. Maria Machuca, PRN, Plaintiff's medical treating expert, date not agreed upon by
25 parties, Las Vegas
26 6. Dr. Cesar Estela, witness listed by Plaintiff and Defendant, deposition noticed by
27 Defendant for November 9, 2018 and re-noticed to November 29, 2018, Elk Grove,
28 California—Cancelled due to agreement to mediate case.

1 7. Dr. Marjorie Belsky, Plaintiff's medical treating expert, tentatively agreed to by the
2 witness for December 13, 2018 in Park City, Utah
3 8. Continued deposition of FRCP Rule 30(b)(6) witness for Marjorie Belsky, M.D. Inc.,
4 d/b/a Integrated Pain Specialists, tentatively agreed to by the witness for December
5 13, 2018 in Park City, Utah
6 9. Management Solutions, dates discussed, but not agreed upon by parties, Las Vegas
7 10. Branson Medical Group, dates discussed, but not agreed upon by parties, Las Vegas
8 11. Medical Practice Management Resources, dates discussed, but not agreed upon by
9 parties, Temecula, California

10 **IV.**

11 **REASONS DISCOVERY WAS NOT COMPLETED WITHIN THE TIME LIMITS AND**
12 **NEEDS TO BE EXTENDED**

13 The parties have been diligently working on completing discovery, which has included, and
14 will include, several out of state depositions. Coordinating such between witnesses and counsel
15 has been time consuming.

16 In addition, counsel for defense learned only on November 2, 2018 that he needed to
17 undergo a medical procedure precluding travel. That procedure was completed on Monday,
18 November 5, 2018 which precluded him from travelling for a time being.

19 In addition, certain discovery was delayed by the trial calendars of respective counsel with
20 counsel for defense in trial in State court from October 8 through October 15, 2018 and counsel for
21 Plaintiff readying for trial to begin on November 26, 2018.

22 Throughout this process, the parties have discussed the prospects of mediation. As of
23 November, 13, 2018, the parties have agreed to submit this matter to mediation with Bruce
24 Edwards, Esq. of JAMS. The parties are in the process of scheduling the mediations.

25 It is anticipated that the discovery to be completed is the sum total of all discovery needed
26 to be completed.

27 **V.**

28 **CURRENT DISCOVERY DEADLINES AND TRIAL DATE**

VI.

STAY AND/OR PROPOSED DISCOVERY

DEADLINES AND TRIAL DATE

11 The parties have had good faith discussions about attempting to resolve this matter
12 without incurring additional court time and litigation expenses. All counsel are seasoned enough
13 to know whether mediation is a reasonable method for resolving the case and are not undertaking
14 such to be wasteful of time or deleterious. Given the close proximity to holiday times, the
15 parties would request reasonable stay of the litigation until January 31, 2019 to allow the
16 mediation to be reasonably scheduled.

17 In addition, should the mediation not prove successful, the parties would request that
18 discovery be continued according to the following dates:

19 Last day to amend pleadings or add parties: COMPLETED;
20 Initial Expert Disclosure: COMPLETED;
21 Rebuttal Expert Disclosures: COMPLETED;
22 Discovery Cutoff: March 31, 2019
23 Dispositive Motions: June 1, 2019; and
24 Trial: **TBD.**
25 Joint Pretrial Order: July 1, 2019

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1 If dispositive motions are pending, the deadline will be suspended until 30 days after the
2 decision(s) on the dispositive motions or further court order.

3 RESPECTFULLY SUBMITTED this 15th day of November, 2018.

4 PYATT SILVESTRI

MATTHEW L. SHARP, LTD.

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IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE
DATED: 11-19-2018

18 **ATTESTATION OF CONCURRENCE IN FILING**

19 I hereby attest and certify that on, November 15, 2018, I received concurrence from
20 Plaintiff's counsel, Matthew L. Sharp, Esq. and Dennis M. Price, Esq., to file this document with
21 their respective electronic signatures attached.

22 I certify under penalty of perjury under the laws of the United States of America that the
23 foregoing is true and correct.

24 Dated: November 15, 2018.

26 /s/ James P.C. Silvestri
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28 Nevada Bar No. 3603